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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KPKO](#) [AU](#) [SU](#) [ASEC](#) [CD](#) [UNSC](#)
SUBJECT: RESPONDING MORE EFFECTIVELY ON SOFA VIOLATIONS

REF: A. KHARTOUM 691

[1](#)B. KHARTOUM 710
[1](#)C. KHARTOUM 716

[1](#)1. (SBU) SUMMARY. Responding to reports of GOS aerial bombardments in North Darfur (ref A), the Ceasefire Commission (CFC) opened investigations into the attacks on Um Sidir, Shegag Karo and Ein Bissaro. Although these investigations are ongoing, initial reports confirm that the attacks did occur and that they resulted in considerable damage and loss of life. UNAMID has been hamstrung by its own lack of capacity in its ability to respond, but it is not only lack of helicopters that prevents the peacekeeping operation from doing its job - it is also the Government of Sudan (GoS), which, on May 5, refused to let UNAMID fly to Shegeg Karo, the site of the worst attacks. This refusal constitutes a violation of the Status of Forces Agreement (SOFA) signed by UNAMID and the GoS, yet UNAMID leadership, fearing the PNG fate that has befallen others such as former UNMIS SRSG Jan Pronk, has remained close-lipped about the violations. This silence handicaps the UNAMID military, which admits it has no plan for a response to the bombings. This silence also leaves the door open for the GoS to continue to act with impunity, which can be expected given the brazen JEM rebel attack on Khartoum. GOS officials have already claimed that the North Darfur bombings were targeted at the same group of JEM fighters who attacked Khartoum and this accusation makes sense. They claim to have tracked JEM from the Chad border, but lost track of the JEM column as it headed across the vast sandy abyss toward Khartoum. In the interests of mitigating the carnage, the US must push hard for UNAMID to investigate and condemn SAF military actions, but this goes both ways, and the US must push UNAMID to investigate and condemn rebel military actions as well - including the JEM attack on Khartoum, which also resulted in civilian casualties. END SUMMARY.

SHEGEG KARO

[1](#)2. (SBU) A CFC team that visited Shegag Karo on May 8 found that three bombs, centered around the marketplace, had hit the village in a May 4 attack [NOTE: A civilian member of the team noted separately that four craters were observed, one approximately 1.5 meters deep. END NOTE]. The market was completely destroyed and a water point had evidently also been targeted; the carcass of a camel was observed in the area where the strike took place. One team member reported seeing 30 shrapnel rounds, head scarves covered with blood and "human tissue" hanging from damaged trees. Notably, the team confirmed that contrary to news reports and local rebel propaganda, no schools had been hit.

[1](#)3. (SBU) The CFC team divided into two groups to conduct interviews, and the two teams received conflicting information on the incident. One team member reported that 11 people were killed in the attack, with five who died 24 hours after the bombing. Armed rebel groups on the ground had reported casualties upwards of 19, but the UNAMID

Humanitarian Liaison assessed the Sudan donors' conference in Oslo, attended by Joint Special Representative Adada, was the catalyst for inflated figures to garner media attention. Local villagers showed the CFC team three fresh graves, which they claimed contained the bodies of eight people. The team estimated that there were likely four to six injuries.

¶4. (SBU) In a violation of the Status of Forces Agreement signed in February by the GoS and UNAMID, the GoS did not clear a UNAMID emergency flight to Shegag Karo on May 5 to evacuate the wounded, which could explain reports from villagers that several casualties had been transported across the border to Bahai, Chad, for treatment. [NOTE: This information has not been confirmed by organizations on the ground in Bahai. END NOTE]. The flight was subsequently cleared on May 6, but by the time ICRC got a surgery team on the ground to meet with what it expected to be a high number of wounded, it found only four people in need of treatment. ICRC speculated that others with injuries may have already moved to other locations.

EIN BISSARO

¶5. (SBU) CFC Acting Chief of Staff said that he had tasked the Sector North sub-CFC team to investigate reported May 4 attacks in Ein Bissaro (150 km east of Malha in North Darfur), attacks subsequently confirmed by the Joint Operations Center. A first attempt by UNAMID to reach victims in the area proved unsuccessful when it was established that the wounded were in a location for which UNAMID had neither the UNDSS clearance nor the fuel to fly. The second mission was aborted, however, when GoS officials denied clearance for the team to enter the area due to insecurity from

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fighting between JEM and other factions on the ground. UNDSS reported that the newer, richer and stronger Chadian-supported JEM rebels are trying to convert smaller factions to its ranks, including SLA/Unity and URF, both of whom were still on the fence as to whether or not to join. On May 7 UNDSS reported that it had been waiting for clearance from the GoS Division Commander in El Fasher to gain access the victims but that the Division Commander had balked, saying those wounded were combatants, like the two arrested after the Um Sidir bombing (ref A). It was unclear when the team would make another attempt to reach Ein Bissaro. A medical evacuation planned by UNICEF with air support from the UN Humanitarian Air Service has not taken place.

UM SIDIR

¶6. (SBU) CFC officials told fieldoffs on May 8 that a CFC team had visited Um Sidir (northeast of Kutum in North Darfur and in Sudan Liberation Army/Unity territory), and confirmed that three bombs appeared to have hit the village during a May 1 attack. Two people were killed in the attacks, and between six and eight others injured, two reportedly seriously. The casualties were all civilian herders who had been guarding a water tank, where one of the bombs fell. The CFC team reported seeing livestock carcasses, including sheep and donkeys, littering the scene. Residents claimed that the proximity of the bomb to the water reservoir had polluted their drinking supply.

¶7. (SBU) Per ref A, there has been no word on the two individuals evacuated from Um Sidir and brought to El Fasher who were arrested by GoS Security for being "combatants." UNAMID Human Rights and ICRC are following these cases, and UNAMID is requesting that UN Department of Safety and Security (UNDSS) officers be on site when flights carrying war-wounded arrive in El Fasher in order to witness and report such arrests.

COMMENT AND RECOMMENDATION

18. (SBU) Comment: It is not UNAMID's fault that the peacekeeping operation cannot respond to these bombings. The Deputy Force Commander and the Chief of Staff acknowledge UNAMID's logistical shortcomings (including tactical military helicopters) that prevent it from having a quick reaction capability for events such as these North Darfur attacks. The Force Commander has twice said that he will not direct the mission to react to every incident received on a daily basis and has urged flexibility in his deployment plan to cope with UNAMID's missing assets. However, the Deputy Force Commander also acknowledges that "there is no plan" to address the bombings or to classify them as SOFA violations, largely because there is no political will among UNAMID leadership to do so, given the fear of the GoS' declaring them persona non grata, as it did former UNMIS SRSG Jan Pronk. Joint Special Representative (JSR) Adada's own staffers have admitted that he will never speak out publicly against the violations because "he prefers the path of least resistance."

19. (SBU) Recommendation: Given the likelihood of more bombings following JEM's brazen attack on Khartoum, post recommends that USUN take advantage of JSR Adada's presence in New York during the week of May 12 to demarche him privately on the need to call out the GoS on its SOFA violations, and to be more aggressive in investigating both SAF and rebel military actions, especially when they result in loss of civilian lives. The JSR useful could engage the GoS privately at first (to avoid the pitfalls of Pronk's blogging criticisms), then include his findings in the briefing on the Secretary-General's 30-day report to the Security Council. But again, to be balanced and accepted by the GOS, it must include specific language about rebel actions as well. Once these findings are then briefed to the Council, it will be up to the UNSC to determine subsequent action.

FERNANDEZ